

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	Criminal No. 7:03-cr-26 (HL)
	:	
<b>TONI FILLYAW,</b>	:	
	:	
Defendant.	:	

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**ORDER**

On December 16, 2006, Defendant filed a Motion for Hearing on Government's Rule 35(b) Motion [doc 88]. The Court finds that a hearing is neither required nor necessary. *See, e.g., United States v. Taylor*, 414 F.3d 528, 538 (4th Cir. 2005) (holding that determination as to whether a defendant is entitled to a hearing on a Rule 35(b) motion is within the discretion of the district court); *United States v. Gangi*, 45 F.3d 28, 32 (2d Cir. 1995) (holding that a defendant must have an opportunity to respond to a Rule 35(b) motion but further holding that a hearing is not necessarily required).

Here, Defendant had an opportunity to respond to the Government's Rule 35(b) Motion. Furthermore, her Motion for Hearing offered several reasons why her sentence should be reduced. The Court has considered these reasons in deciding to modify Defendant's sentence, including her willingness to testify before the grand jury, as well as her willingness to discuss with the Government the scheme involving Lee Patrick and Nicky Tampas. The Court is thus of the opinion that no benefit would be obtained by holding a hearing. Therefore, the Motion for Hearing on Government's Rule 35(b) Motion is denied.

**SO ORDERED**, this the 17<sup>th</sup> day of February, 2006.

s/ **Hugh Lawson**  
**HUGH LAWSON, JUDGE**

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